THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.7687 of 2007

Dated: 22.11.2007

Between:

Smt.Bala Akkamma.

…Petitioner.

and

The District Selection Committee of Anganwadi Worker, Anantapur District and others.

…Respondents.

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.7687 of 2007

ORDER:

This Writ Petition is filed seeking a *Mandamus* declaring the action of respondents 1 and 2 in selecting and appointing the 3rd respondent for the post of Anganwadi Worker in I.C.D.S., Project – Kadiri West, S.Bandla Palli Center, Mudigubba Mandal, Anantapur District, through proceedings No.1652/A/06, dated 30.01.2007, as illegal, arbitrary and violative of Articles 14 and 15 of the Constitution of India and contrary to the guidelines issued for appointment of Anganwadi Workers and for a consequential direction to respondents 1 and 2 to set aside the said proceedings.

It appears, the petitioner as well as the 3rd respondent have applied for the post of Anganwadi Worker in S.Bandlapalli Center, Mudigubba Mandal, Anantapur District, in pursuance of a notification issued by respondents 1 and 2. Through letter dated 16-11-2006, they were informed to appear for the interview to be held on 05.12.2006 at the Mandal Revenue Office, Kadri. The petitioner as well as the

3rd respondent appeared and submitted the original certificates, as required. According to the petitioner, the 3rd respondent is not the resident of S.Bandlapalli Village and that she is the resident of Kondavandlapalli Village, which is at a distance of more than 15 kilometres, where her husband is working as Registered Medical Practitioner. The grievance of the petitioner is that though she is qualified fully and eligible to be appointed to the post of Anganwadi worker, she has been discriminated, on the ground that she is blind and that she cannot attend to her duties properly.

Learned counsel for the petitioner submits that she can see with one eye and she is not totally blind. Therefore, there is no disqualification for her, for being appointed as Anganwadi Worker.

Learned counsel for the respondents, on the other hand, submits that the petitioner is not eligible to be appointed as Anganwadi Worker, since she has not even completed 10th class. However, in the counter-affidavit filed by respondents 1 and 2, it is asserted that the petitioner is a blind person and that she may not be able to attend to the nature of work to be performed by an Anganwadi Worker, and therefore, the case of the petitioner was not considered.

In view of the above, I am of the opinion that the approach of respondents 1 and 2 in rejecting the case of the petitioner, on the ground that she is blind and that she cannot be able to attend to the duties attached to the post of Anganwadi worker, seems to be unreasonable. If really the petitioner is totally a blind person, the respondents ought to have sent her for medical examination for certifying as to her disability. Admittedly, she is visually handicapped and her case requires to be treated on preferential basis for being appointed as Anganwadi worker, and instead of doing so, respondents 1 and 2 have appointed the

3rd respondent on the ground that the petitioner is a blind person.

In that view of the matter, the respondents are directed to reconsider the case of the petitioner for being appointed as Anganwadi worker of S.Bandlapalli Center, Mudigubba Mandal, Anantapur District, and pass appropriate orders in accordance with law, within a period of three (3) weeks from the date of receipt of a copy of this order, and till such time, *status quo* obtaining as on today shall be maintained as to the filling up of the vacancy of Anganwadi Worker of S.Bandlapalli Center, Mudigubba Mandal, Anantapur District.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

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C.V.RAMULU, J

Dated:22.11.2007

GJ